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EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0316-AIR-E **TCEQ ID:** RN100218247 **CASE NO.:** 32847
RESPONDENT NAME: Albemarle Corporation

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Albemarle Houston Plant, 2500 North South Street, Pasadena, Harris County</p> <p>TYPE OF OPERATION: Chemical manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 27, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8931; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. Douglas Thompson, Environmental Specialist, Albemarle Corporation, 2500 North South Street, Pasadena, Texas 77503 Mr. William M. Parker, III, Plant Manager, Albemarle Corporation, 2500 North South Street, Pasadena, Texas 77503 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 27, 2006</p> <p>Date of NOE Relating to this Case: February 16, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>AIR</p> <p>Failure to prevent unauthorized emissions during a November 21, 2006 emissions event. Since the emissions event was avoidable Albemarle Corporation failed to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE 101.222 [Air Permit No. 48710, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$10,000</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$10,000</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification:</p> <p>This is a Findings Order because of avoidable emissions that exceeded levels that are protective of human health and environmental receptors.</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the recurrence of an emissions event due to the same cause as the November 21, 2006 emissions event; and</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. a. The certification shall be notarized by a State of Texas Notary Public.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

TCEQ

DATES	Assigned	26-Feb-2007
	PCW	15-Mar-2007
	Screening	5-Mar-2007
	EPA Due	17-Nov-2007

RESPONDENT/FACILITY INFORMATION

Respondent	Albemarle Corporation		
Reg. Ent. Ref. No.	RN100218247		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	32847	No. of Violations	1	
Docket No.	2007-0316-AIR-E	Order Type	Findings	
Media Program(s)	Air Quality	Enf. Coordinator	Rebecca Johnson	
Multi-Media		EC's Team	EnforcementTeam 6	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$10,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **47% Enhancement** **Subtotals 2, 3, & 7** **\$4,700**

Notes Penalty enhancement due to one agreed order containing a denial of liability, one NOV issued for same or similar violations, six NOVs issued for unrelated violations, and six self-reported effluent discharge violations. Penalty reduction due to two Notices of Audits submitted.

Culpability **No** **0% Enhancement** **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0% Reduction** **Subtotal 5** **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Subtotal 6 **\$0**

Total EB Amounts	\$166
Approx. Cost of Compliance	\$3,000

0% Enhancement* ***Capped at the Total EB \$ Amount**

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$14,700**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount **\$14,700**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$10,000**

DEFERRAL

0%

Reduction

Adjustment

\$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

\$10,000

Screening Date 5-Mar-2007

Docket No. 2007-0316-AIR-E

PCW

Respondent Albemarle Corporation

Policy Revision 2 (September 2002)

Case ID No. 32847

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100218247

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	12	24%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 47%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Penalty enhancement due to one agreed order containing a denial of liability, one NOV issued for same or similar violations, six NOVs issued for unrelated violations, and six self-reported effluent discharge violations. Penalty reduction due to two Notices of Audits submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 47%

Screening Date 5-Mar-2007

Docket No. 2007-0316-AIR-E

PCW

Respondent Albemarle Corporation

Policy Revision 2 (September 2002)

Case ID No. 32847

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100218247

Media [Statute] Air Quality

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s) Air Permit No. 48710, Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions during a November 21, 2006 emissions event. Specifically, during the November 21, 2006 emissions event the following unauthorized emissions were released from the Alkyl Load Spot over a period of three hours: 8,546 pounds (lbs) of aluminum oxide and 1,529 lbs of hydrogen chloride. Since the emissions event was avoidable Albemarle Corporation failed to meet the demonstration criteria for an affirmative defense under 30 Tex. Admin. Code 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health and the environment have been exposed to a significant amount of pollutants which resulted in a shelter in place for the local community, a precautionary shut down of the Houston Ship Channel, and the shut down of Highway 225. In addition, one employee suffered minor burns as a result of the emissions event.

Adjustment \$0

\$10,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$10,000

One daily event is recommended based on the duration of the emissions event.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$166

Violation Final Penalty Total \$14,700

This violation Final Assessed Penalty (adjusted for limits) \$10,000

Economic Benefit Worksheet

Respondent Albemarle Corporation
Case ID No. 32847
Reg. Ent. Reference No. RN100218247
Media Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$3,000	21-Nov-2006	31-Dec-2007	1.1	\$166	n/a	\$166

Notes for DELAYED costs

Estimated cost to implement measures designed to prevent the recurrence of an emissions event due to the same cause. Date required based on the date of the emissions event. Final date based on the projected date all corrective actions will be completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$166

Compliance History

Customer/Respondent/Owner-Operator:	CN600129589	Albemarle Corporation	Classification: AVERAGE	Rating: 0.82
Regulated Entity:	RN100218247	ALBEMARLE HOUSTON PLANT	Classification: AVERAGE	Site Rating: 0.82
ID Number(s):				
	AIR OPERATING PERMITS	ACCOUNT NUMBER	HG0225N	
	AIR OPERATING PERMITS	PERMIT	1537	
	AIR OPERATING PERMITS	PERMIT	2283	
	AIR OPERATING PERMITS	PERMIT	2284	
	AIR OPERATING PERMITS	PERMIT	2285	
	AIR OPERATING PERMITS	PERMIT	2310	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000004986	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	83328	
	WASTEWATER	PERMIT	WQ0000492000	
	WASTEWATER	PERMIT	TPDES0004731	
	WASTEWATER	PERMIT	TX0004731	
	AIR NEW SOURCE PERMITS	PERMIT	48576	
	AIR NEW SOURCE PERMITS	PERMIT	13055	
	AIR NEW SOURCE PERMITS	PERMIT	17343	
	AIR NEW SOURCE PERMITS	PERMIT	18114	
	AIR NEW SOURCE PERMITS	PERMIT	22650	
	AIR NEW SOURCE PERMITS	PERMIT	26930	
	AIR NEW SOURCE PERMITS	PERMIT	29614	
	AIR NEW SOURCE PERMITS	PERMIT	38662	
	AIR NEW SOURCE PERMITS	PERMIT	41176	
	AIR NEW SOURCE PERMITS	PERMIT	41510	
	AIR NEW SOURCE PERMITS	PERMIT	43083	
	AIR NEW SOURCE PERMITS	PERMIT	44004	
	AIR NEW SOURCE PERMITS	PERMIT	44510	
	AIR NEW SOURCE PERMITS	PERMIT	44466	
	AIR NEW SOURCE PERMITS	PERMIT	45370	
	AIR NEW SOURCE PERMITS	PERMIT	45857	
	AIR NEW SOURCE PERMITS	PERMIT	46167	
	AIR NEW SOURCE PERMITS	PERMIT	46836	
	AIR NEW SOURCE PERMITS	PERMIT	47703	
	AIR NEW SOURCE PERMITS	PERMIT	48710	
	AIR NEW SOURCE PERMITS	PERMIT	49298	
	AIR NEW SOURCE PERMITS	PERMIT	50163	
	AIR NEW SOURCE PERMITS	PERMIT	50112	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0225N	
	AIR NEW SOURCE PERMITS	PERMIT	69A	
	AIR NEW SOURCE PERMITS	PERMIT	69C	
	AIR NEW SOURCE PERMITS	PERMIT	734	
	AIR NEW SOURCE PERMITS	PERMIT	2036	
	AIR NEW SOURCE PERMITS	PERMIT	2101	
	AIR NEW SOURCE PERMITS	PERMIT	3588	
	AIR NEW SOURCE PERMITS	PERMIT	3962	
	AIR NEW SOURCE PERMITS	PERMIT	4814A	
	AIR NEW SOURCE PERMITS	PERMIT	6267	
	AIR NEW SOURCE PERMITS	PERMIT	6268	
	AIR NEW SOURCE PERMITS	PERMIT	6598	
	AIR NEW SOURCE PERMITS	PERMIT	6599	
	AIR NEW SOURCE PERMITS	PERMIT	7751	
	AIR NEW SOURCE PERMITS	PERMIT	8327	
	AIR NEW SOURCE PERMITS	PERMIT	10260	
	AIR NEW SOURCE PERMITS	PERMIT	53311	
	AIR NEW SOURCE PERMITS	PERMIT	48710	
	AIR NEW SOURCE PERMITS	REGISTRATION	71918	
	AIR NEW SOURCE PERMITS	REGISTRATION	72099	
	AIR NEW SOURCE PERMITS	REGISTRATION	54904	
	AIR NEW SOURCE PERMITS	REGISTRATION	55200	
	AIR NEW SOURCE PERMITS	REGISTRATION	75627	
	AIR NEW SOURCE PERMITS	AFS NUM	4820100015	
	AIR NEW SOURCE PERMITS	REGISTRATION	56177	
	AIR NEW SOURCE PERMITS	REGISTRATION	56786	
	AIR NEW SOURCE PERMITS	PERMIT	71045	
	AIR NEW SOURCE PERMITS	REGISTRATION	71550	
	AIR NEW SOURCE PERMITS	REGISTRATION	72203	
	AIR NEW SOURCE PERMITS	PERMIT	52060	
	AIR NEW SOURCE PERMITS	PERMIT	52207	
	AIR NEW SOURCE PERMITS	PERMIT	54638	

AIR NEW SOURCE PERMITS	PERMIT	52809
AIR NEW SOURCE PERMITS	PERMIT	52405
AIR NEW SOURCE PERMITS	PERMIT	52399
AIR NEW SOURCE PERMITS	PERMIT	50606
AIR NEW SOURCE PERMITS	PERMIT	53546
AIR NEW SOURCE PERMITS	PERMIT	54215
AIR NEW SOURCE PERMITS	PERMIT	53312
AIR NEW SOURCE PERMITS	PERMIT	53817
AIR NEW SOURCE PERMITS	PERMIT	54708
AIR NEW SOURCE PERMITS	PERMIT	73012
AIR NEW SOURCE PERMITS	REGISTRATION	73127
AIR NEW SOURCE PERMITS	REGISTRATION	73657
AIR NEW SOURCE PERMITS	REGISTRATION	73954
AIR NEW SOURCE PERMITS	REGISTRATION	74050
AIR NEW SOURCE PERMITS	REGISTRATION	74294
AIR NEW SOURCE PERMITS	REGISTRATION	74311
AIR NEW SOURCE PERMITS	REGISTRATION	75327
AIR NEW SOURCE PERMITS	REGISTRATION	76399
AIR NEW SOURCE PERMITS	PERMIT	77644
AIR NEW SOURCE PERMITS	REGISTRATION	77959
AIR NEW SOURCE PERMITS	REGISTRATION	78067
AIR NEW SOURCE PERMITS	REGISTRATION	78222
AIR NEW SOURCE PERMITS	REGISTRATION	78870
AIR NEW SOURCE PERMITS	REGISTRATION	79127
AIR NEW SOURCE PERMITS	REGISTRATION	79418
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1011172
WATER LICENSING	LICENSE	1011172
IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	83328

Location: 2500 N SOUTH ST, PASADENA, TX, 77503 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: March 05, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 26, 2002 to February 26, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Rebecca Johnson Phone: (713) 422-8931

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 05/23/2005

ADMINORDER 2004-0941-IHW-E

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.2(a)
30 TAC Chapter 335, SubChapter A 335.2(b)

Description: Failure to properly dispose of industrial Class 1 waste at an authorized disposal site on November 14, 2003.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- | | | |
|---|------------|----------|
| 1 | 02/26/2002 | (137222) |
| 2 | 02/26/2002 | (137221) |
| 3 | 03/21/2002 | (137223) |
| 4 | 03/21/2002 | (157467) |
| 5 | 03/22/2002 | (137224) |
| 6 | 04/02/2002 | (137225) |

7	04/16/2002	(137226)
8	04/22/2002	(157472)
9	05/18/2002	(137228)
10	05/18/2002	(137227)
11	05/22/2002	(157476)
12	05/24/2002	(1631)
13	06/24/2002	(157480)
14	07/22/2002	(157484)
15	07/25/2002	(5867)
16	08/19/2002	(157487)
17	08/30/2002	(9674)
18	09/23/2002	(157490)
19	10/22/2002	(157493)
20	11/21/2002	(157497)
21	12/30/2002	(157501)
22	01/21/2003	(157505)
23	02/07/2003	(23756)
24	02/10/2003	(20834)
25	02/24/2003	(157465)
26	03/06/2003	(9889)
27	03/13/2003	(9888)
28	03/21/2003	(157468)
29	03/22/2003	(295117)
30	04/14/2003	(9891)
31	04/14/2003	(9890)
32	04/21/2003	(157473)
33	05/07/2003	(35879)
34	05/15/2003	(37944)
35	05/20/2003	(157477)
36	06/23/2003	(157481)
37	07/22/2003	(295125)
38	08/22/2003	(295127)
39	09/23/2003	(295129)
40	10/20/2003	(295131)
41	11/14/2003	(250420)
42	11/21/2003	(295132)
43	12/29/2003	(295133)
44	01/20/2004	(295134)
45	02/04/2004	(250435)
46	02/04/2004	(250437)
47	02/18/2004	(295115)
48	04/12/2004	(250422)
49	04/23/2004	(295118)
50	05/04/2004	(250424)
51	05/24/2004	(295120)
52	06/17/2004	(269114)
53	06/21/2004	(295122)
54	06/30/2004	(267059)
55	07/26/2004	(351974)
56	08/11/2004	(287328)
57	08/11/2004	(286941)
58	08/11/2004	(288142)
59	08/11/2004	(289016)
60	08/24/2004	(351975)
61	08/31/2004	(289538)
62	08/31/2004	(292444)
63	08/31/2004	(289682)
64	09/16/2004	(291903)
65	09/21/2004	(351976)
66	09/30/2004	(335910)
67	10/25/2004	(351977)
68	11/11/2004	(290083)
69	11/11/2004	(291136)
70	11/23/2004	(351978)
71	12/13/2004	(337500)
72	12/22/2004	(381793)
73	01/24/2005	(381794)
74	01/31/2005	(348991)
75	02/03/2005	(349275)

76	02/22/2005	(381792)
77	03/22/2005	(419619)
78	04/22/2005	(378589)
79	04/25/2005	(419620)
80	04/25/2005	(378237)
81	05/24/2005	(419621)
82	06/21/2005	(419622)
83	07/22/2005	(440758)
84	08/23/2005	(440759)
85	09/07/2005	(406522)
86	09/23/2005	(440760)
87	10/21/2005	(468311)
88	11/28/2005	(468312)
89	12/12/2005	(440125)
90	12/22/2005	(468313)
91	01/23/2006	(468314)
92	01/25/2006	(452604)
93	02/21/2006	(468309)
94	02/27/2006	(456027)
95	02/28/2006	(457717)
96	03/22/2006	(468310)
97	04/24/2006	(498110)
98	04/25/2006	(458981)
99	05/01/2006	(462217)
100	05/22/2006	(498111)
101	06/21/2006	(498112)
102	06/27/2006	(457297)
103	06/27/2006	(457402)
104	07/24/2006	(520123)
105	08/17/2006	(520124)
106	09/19/2006	(520125)
107	10/17/2006	(520126)
108	12/06/2006	(519556)
109	02/12/2007	(532627)
110	02/20/2007	(535641)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	03/25/2002	(137223)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(b)(1)			
Rqmt Prov:	OP PP7			
Description:	GENERAL CONDITIONS			

Date:	06/30/2002	(157484)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
	TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			

Date:	09/30/2002	(157493)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
	TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			

Date:	02/03/2003	(23756)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)			
Description:	Failure to inspect the pressure tank annually.			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(v)			
Description:	Failure to provide a minimum pressure tank capacity of 220 gallons.			

Date:	02/07/2003	(20834)		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter O 305.535(c)(1)[G]			
Description:	Failure to prevent unauthorized discharges from the Holding Pond. See Attachment No. 1 for additional details.			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			

Description: Failure to prevent effluent violations at Outfall 001, Outfall 003, and Outfall 004. See attachment No. 3 for details.

Date: 04/04/2003 (27055)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT NSR Permit No. 2036, S. C. 1

Description: Failure to comply with the emission limits stated in the MAERT for the exhaust blowers (EPNs : C-E-7A and C-E-7B).

Date: 08/31/2003 (295129)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2003 (295131)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 09/16/2004 (291903)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failure to maintain all pressure maintenance facilities and related appurtenances in a watertight condition.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(ii)

Description: Failure to provide a ground storage capacity which is equal to 50 percent of the maximum daily demand.

Date: 09/30/2004 (351977)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 12/13/2004 (337500)

Self Report? NO

Classification: Major

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to maintain compliance with effluent permit limits for biochemical oxygen demand (BOD5).

Date: 02/28/2005 (419619)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 08/22/2005 (406522)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failure to maintain all pressure maintenance facilities and related appurtenances in a watertight condition.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(ii)

Description: Failure to provide a ground storage capacity which is equal to 50 percent of the maximum daily demand.

F. Environmental audits.

Notice of Intent Date: 09/03/2002 (33052)

No DOV Associated

Notice of Intent Date: 11/07/2005 (400642)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ALBEMARLE CORPORATION
RN100218247

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0316-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Albemarle Corporation ("Albemarle") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Albemarle presented this agreement to the Commission.

Albemarle understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Albemarle agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Albemarle.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. Albemarle owns and operates a chemical manufacturing plant at 2500 North South Street in Pasadena, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. During an investigation on November 27, 2006, TCEQ staff documented unauthorized emissions during a November 21, 2006 emissions event. Specifically, TCEQ staff documented that during the November 21, 2006 emissions event the following unauthorized emissions were released from the Alkyl Load Spot over a period of three hours: 8,546 pounds ("lbs") of aluminum oxide and 1,529 lbs of hydrogen chloride.
4. Albemarle received notice of the violations on February 21, 2007.

II. CONCLUSIONS OF LAW

1. Albemarle is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, Albemarle failed to prevent unauthorized emissions during a November 21, 2006 emissions event, in violation of Air Permit No. 48710, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH & SAFETY CODE § 382.085(b). Since the emissions event was avoidable Albemarle failed to meet the demonstration criteria for an affirmative defense under 30 TEX. ADMIN. CODE 101.222.
3. Pursuant to TEX. WATER CODE §.7.051, the Commission has the authority to assess an administrative penalty against Albemarle for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Ten Thousand Dollars (\$10,000) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Albemarle has paid the Ten Thousand Dollar (\$10,000) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Albemarle is assessed an administrative penalty in the amount of Ten Thousand Dollars (\$10,000) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Albemarle's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Albemarle Corporation, Docket No. 2007-0316-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Albemarle shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, implement measures designed to prevent the recurrence of an emissions event due to the same cause as the November 21, 2006 emissions event; and
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon Albemarle. Albemarle is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Albemarle fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other

catastrophe, Albemarle's failure to comply is not a violation of this Agreed Order. Albemarle shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Albemarle shall notify the Executive Director within seven days after Albemarle becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Albemarle shall be made in writing to the Executive Director. Extensions are not effective until Albemarle receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Albemarle if the Executive Director determines that Albemarle has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against Albemarle in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

Albemarle Corporation
DOCKET NO. 2007-0316-AIR-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

9/7/07
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Albemarle Corporation. I am authorized to agree to the attached Agreed Order on behalf of Albemarle Corporation, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Albemarle Corporation waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

8-22-07
Date

William M. Parker II
Name (Printed or typed)
Authorized Representative of
Albemarle Corporation

Plant Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

